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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,432	03/25/2004	Victor Hsieh	2102680-991100	9771
29585	7590	11/19/2007		
DLA PIPER US LLP 153 TOWNSEND STREET SUITE 800 SAN FRANCISCO, CA 94107-1957			EXAMINER POND, ROBERT M	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 11/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,432

Applicant(s)

HSIEH, VICTOR

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007 and 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 27 July 2007 with supplemental response entered 21 August 2007 has been entered.

Response to Amendment

The Applicant amended claim 8 and 11. All pending claims not withdrawn 8-13 were examined in this non-final office action.

Response to Arguments

Applicant's arguments, see Remarks, filed 27 July 2007 and 21 August 2007, with respect to the rejection(s) of claim(s) 8-13 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of AltaVista and supporting references. Arguments based on Gottsman as the primary reference and supporting secondary references are

moot. The search update revealed prior art not previously considered and was compelling enough to warrant a new grounds of rejection for the record.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an

invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

- 1. Claim 8 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 09/967233.**

Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim the similar subject matter pertaining to searching and retrieving information in a native language.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

- 2. Claim 8 is rejected under 35 USC 103(a) as being unpatentable over AltaVista (a collection of prior art describing AltaVista, PTO-892, Items: U**

and V) in view of Sullivan (PTO-892, Item: W) further in view of Rappoport (PTO-892, Item: UU).

AltaVista teaches AltaVista launching the largest index of wireless web pages available for wireless mobile user search queries. AltaVista teaches use of mobile phones growing at a faster pace than the Internet with more than 60% of the projected 1 billion mobile phones in 2003 capable of receiving wireless Internet. AltaVista teaches the index being a WML (wireless markup language) index being the largest wireless index with 2.5 million pages and further teaches WML being based on XML and is intended for use in specifying content and the user interface for small-screened, narrowband devices, including cellular phones, pagers, and PDAs. Item U: see at least pages 1 and 2. AltaVista further teaches enhancing its search service by implementing a comparison shopping feature that allows online shoppers to search for information on products and pricing across the Web, and identifying local offers from select brick-and-mortar merchants. Examiner's note: user entering descriptions to retrieve compared products. Item V: see at least pages 1-3. AltaVista further teaches:

- a. communicating with the wireless handheld client through a remote server using XML: AltaVista's WML (wireless markup language based on XML) index being the largest wireless index with 2.5 million pages and and is intended for use in specifying content and the user interface for small-screened, narrowband devices, including cellular phones, pagers,

and PDAs (please note: remote clients); remote mobile user enters search queries. U: see at least pages 1 and 2.

- b. See below.
- c, d, and e: AltaVista teaches all the above as noted under the 103(a) rejection and teaches i) using wireless mobile devices using XML-based markup language to enter search queries to AltaVista, and ii) AltaVista saving shoppers time and money by providing a comparison shopping feature to find, compare and purchase products from more than 600 online merchants. Although AltaVista does not mention the combination of processing a product keyword request, received from the wireless handheld device client in the received native language through the remote server, including using the vendor descriptions to identify ones of the plurality of vendor sites which may have information responsive to and in the received native language of the product keyword request, and using the search form URL's, Sullivan on the other hand teaches AltaVista pioneering searching by language, using a dictionary-based method to identify the language of a page when it spider's it, and labeling the page by its language. To use the search by language feature, AltaVista provides a drop down box above the main search box to allow the user to select the language of choice. Sullivan teaches searching by language whereby one can also create a regional service by grouping Web pages to language. This Web searching approach can offer real pluses, since it can transcend

national boundaries (note: country domain-independent), yet still find relevant information. "Imagine that you speak French and want French-language information about Paris. An ordinary search for "Paris" (Examiner's note: used as a keyword in a search query) will bring up pages in English, French, and perhaps other languages (note: language-independent). Most probably, English language pages will dominate the results, since English is so common on the Web. In contrast, by searching for "Paris" and specifying that a search be done only among French language pages, you can narrow the search to pages you, as a speaker of French, can actually read. This also means that you can find pages about Paris hosted outside of the French ".fr" domain, such as those in Quebec. Domain filtering and custom crawls would likely exclude these pages automatically, but services that offer language detection would include them." Item W: see at least pages 3 and 4. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to use AltaVista to perform keyword search query in the native language of the user to retrieve information in the native language of the user as taught by Sullivan, because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

It would have been obvious to one of ordinary skill in the art at time the invention was made that the combination of AltaVista and Sullivan as noted above teach and suggest using a mobile wireless device for comparison shopping by submitting keyword search queries in a native language to AltaVista and receiving search results back in the received native language, because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

- Regarding b. AltaVista and Sullivan teach and suggest all the above as noted under the 103(a) rejection and teach and suggest i) a user searching and retrieving information in a native language using AltaVista, ii) general search services AltaVista, Yahoo! or HotBot and specialty search engines crawling the Internet creating index pages from a selected set of sites (e.g. home improvement site might crawl 30 sites which deal with home improvement whereby pages from these sites, and only these sites would appear in the search index) (W: see at least pages 1 and 2), and iii) AltaVista tagging an indexed web page based on language (W: see at least page 3). Although AltaVista and Sullivan do not mention the combination of maintaining in an offline database information for a plurality of vendor sites each having a native language over inter-connected computer networks, wherein the plurality of vendor sites include vendor

sites in different native languages and the maintained information includes
URL's, search form URL's, description of domains, and vendor
descriptions and, for each of the plurality of vendor sites, information in the
native language of that vendor site, wherein the vendor descriptions
include generalized rules about how product information is organized on
each of the plurality of vendor sites, Rappoport teaches testing AltaVista
and other search engines. Rappoport teaches search engines being
heavy-duty server programs, whether they're local or served by an ASP
(application service provider) and having two elements. The first is the
indexer that gathers the words from the documents-whether HTML pages,
local files or database records-and puts those words into an index file for
fast retrieval (Examiner's interpretation: file is offline). The second element
is the search engine itself, which accepts queries, locates the relevant
pages in the index and formats the results in an HTML page. As you can
imagine, this calls for fast processors, significant hard-disk space for the
index and a great deal of bandwidth for responding to many simultaneous
search requests. The exact configuration depends on the number of
pages, but most search engines require Intel Pentium or Sun Solaris
processors, Microsoft Windows NT/2000 or Unix, and at least a T1 line.
Rappoport further teaches search engine considerations for multilingual
sites. UU: see at least pages 1-4. Therefore it would have been obvious to
one of ordinary skill in the art at time the invention was made to store the

index in a database managed by the search engine indexer, because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense. The Examiner interprets claim 8 (b) as claiming the basic functionality of an indexer used by a search engine.

- 3. Claims 9-13 are rejected under 35 USC 103(a) as being unpatentable over AltaVista (a collection of prior art describing AltaVista, PTO-892, Items: U and V), Sullivan (PTO-892, Item: W) and Rappoport (PTO-892, Item: UU) as applied to claim 8, further in view of BW (PTO-892, Item: X).**

AltaVista, Sullivan and Rappoport teach all the above and teach and suggest i) comparison shopping using wireless mobile devices to receive product pricing results from a plurality of merchants, ii) native language search and retrieval using AltaVista (please note: domain-independent), iii) domain filtering (domain-dependent), iv) language-independence, and v) character strings (UU: see at least page 3: recognizing extended characters for multilingual sites). Although AltaVista, Sullivan, and Rappoport do not mention sorting by price, BW on the other hand teaches BizRate.com allowing buyers to sort sellers by the service metric that is most important to them to make comparison shopping the most convenient solution on the Web. BW teaches shoppers comparing merchants across 10 dimensions, giving shoppers the ability to confidently evaluate more

than 1,300 sellers based on price, on-time delivery, privacy policies, customer support, quality of product selection, ease of ordering, order tracking, web site navigation, shipping and handling and product information. BW further teaches BizRate.com ratings appearing on AltaVista. X: see at least pages 1-4. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to sort results, because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
November 7, 2007